

राजपत्र, हिमालच प्रदेश

(श्रमाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 2 सितम्बर, 1972/11 भाद्रपद, 1894

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-2, the 5th August, 1972

No. 13-6/71-SI.—In exercise of the powers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970), the Governor, Himachal Pradesh is pleased to make the following rules for the purposes of the said Act, the same having been previously/published vide this Government notification of even number, datad the 21st June, 1971.

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RULES

- Short title.—These rules may be called the Himachal Pradesh Shops and Commercial Establishments Rules, 1972.
- **Definitions.**—(i) In these rules, unless there is anything repugnant in the subject or context-,
 - (a) "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;
 - (b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, Himachal Pradesh.
 - (c) "Form" means a form appended to these rules;
 - (d) "Section" means a section of the Act.
- (ii) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.
- Application for Registration and Grant of Registration Certificate.— The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No. 1 for the registration of the establishment and grant of registration certificate after remitting fee as prescribed in Schedule I.
- Manner of registering of establishment and Form of Registration Certificate.—On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the Register of Establishment in Form No. 2 and shall issue a registration certificate in Form No. 3 to the employer of the establishment.
- Notice of Change.—(1) The employer shall give notice to the Inspector of the area concerned in Form 4 of any change in respect of any information contained in his statement submitted in Form No. 1 within seven days after the change has taken place together with the registration certificate.

(2) The fee for such change shall be one rupee plus the amount, if any, payable as specified in Schedule I having regard to the increase in the number of employees.

- (3) On receipt of notice of change in Form 4 along with fee as provided in sub-rule 2, the Inspector shall amend the registration certificate or issue a fresh one, if necessary and send it to the employer.
- 6. Renewal of Registration Certificate.—(1) A registration certificate may be renewed by the Inspector.
- (2) Every application for the renewal of registration certificate shall be in Form No. 1 prescribed under Rule 3 and shall be made by 31st March every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.
- (3) The same fee shall be charged for the renewal of registration certificate as for the grant thereof:

Provided that if the application for renewal of a registration certificate is not received within thirty days after the expiry of the date of the registration certificate, the registration certificate shall be renewed only on payment. of fee 50 per cent in excess of the fee ordinarily payable for the registration.

7. Transfer of Certificate.—(1) A registration certificate under these rules shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, within fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration to the Inspector of the area and he shall submit to the Inspector a statement signed by himself specifying the name and address of the transferee.

(2) The Inspector on receipt of information required to be sent under sub-rule (1) shall cancel the certificate of registration and amend the register of establishments accordingly.

(3) The transferee shall apply for new registration certificate within

thirty days from the date of transfer.

- (4) The notice of closing the establishment as required under subsection (5) of section 13 shall be given by the employer to the Inspector within whose areas the establishment is situated.
- 8. Procedure on death or disability of employer.—If the employer dies or becomes insolvent, the person carrying on the business of such employer shall not be liable to any penalty under the Act for exercising the powers granted to the employer by the registration certificate during a period of 90 days to enable him to make an application for the amendment of the registration certificate under rule 5 in his own name for the un-expired portion of the original registration certificate.
- 9. Loss of Registration Certificate.—Where a registration certificate granted under these rules is lost, destroyed or defaced a duplicate copy may be granted on payment of a fee of rupees 2.
- 10. Payment of fees.—(1) All fees payable under these rules shall be paid either into the local treasury under the head of account XXXII—Miscellaneous-Social Development Organisation-Labour and Employment-Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969 or by an un-crossed postal order in the name of Inspector of Shops and Commercial Establishments of the Area concerned, and whereever an application is required to be accompanied by any such fee, it shall be accompanied by:
 - (a) a treasury receipt in token of such fee having been paid into treasury, or
 - (b) an un-crossed postal order of the requisite value.
 - (2) The fee once remitted shall under no circumstances be refunded.
- (3) The amount of fees received in pursuance of sub-rule (1) by way of un-crossed postal order, shall be deposited into treasury by the Inspector during the week following the one to which the fees relate under head XXXII-Miscellaneous-Social Development Organisation-Labour and Employment-Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969.
- (4) The Inspector shall submit the monthly cash report to the Chief Inspector in Form No. 5.
- 11. Close-Jay.—Every establishment to which this Act applies shall remain closed on one day in a week as provided in Schedule II.
- 12. Form of intimation under section 10 of the Act.—(1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form No. 6 to the Inspector within whose local limits the establishment is situated:

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the

intimation in Form No. 6 to the Inspector within one week of the employment of such person.

13. Form and display of notices under section 20 of the Act.—(1) The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form No. 7.

(2) The registration certificate obtained in Form No. 3, shall be displayed

by the employer at a conspicuous place.

14. Maintenance of Registers.—The employer of every establishment about the business of which persons are employed shall main tain the following registers, namely:—

(1) A register of employees in Form No. 8.

(2) A register of wages of employees in Form No. 9.

(3) A register of deductions in Form No. 10.

(4) A register of leave with wages in Form No. 11.

15. Language etc. in which records and registers are to be kept.—(1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in English or Hindi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial

number.

- 16. Preservation of records.—All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of three years to be calculated from the date to which such record or registers relate.
- 17. Payment of overtime.—The payment in respect of overtime work shall be made by the employer to an employee on the next pay day.
- 18. Utilisation of fines imposed on employees.—Act and Commissions on the part of the employees for purposes of imposition of the fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.
- 19. Powers of Inspector.—For carrying out the purposes of the Act an Inspector may:—

(i) cause to be taken a photograph of any employee or the premises

of any establishment; and

- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register form, document or record maintained under the Act and these Rules;
- (iii) Prosecute, conduct, and defend before a court any complaint and other proceedings arising under the Act or in discharge of his duties as an Inspector.
- 20. Maternity benefit.—(1) The maternity benefit payable to a woman under section 30 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of

her delivery.

(3) The amount payable to a woman employee as maternity benefit

in accordance with the foregoing rules shall for the purposes of this recovery be deemed to be a part of her wages illegally withheld.

- 21. Conditions for grant of exemption.—No application for the grant of an exemption under section 27 of the Act shall be entertained unless received by the Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.
- 22. Health.—(1) The premises of every establishments dealing exclusively in meat, fish dairy produce, bread, confectionery, sweets, ice-cream, cooked food, beverage, drink and refreshments shall be:—-
 - (i) kept clean and free from accumulation of dirt and refuse;
 - (ii) properly ventilated so as to permit sufficient air and light into the premises;
 - (iii) kept sufficiently lighted during all working hours;
 - (iv) white-washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited in the premises.
- (2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.
- (3) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush, etc.
- (4) In every establishment in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.
- 23. Safty.—(1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.
- (2) In every establishment, where manufacturing process in carried on with the aid of electric power, suitable devices for cutting off power inemergencies from running machinery shall be provided and maintained.
- (3) No employee with loose fitting clothes on shall be allowed or made to work near the moving machinery or belt and the light fitting clothes for the purpose will be provided by the employer.
- 24. Precautions in case of fire.—(1) Every establishment shall be provided with adequate means of escape in the case of fire.
- (2) No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.
- 25. Welfare.—(1) The employer of every establishment, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

- (2) The employer of establishment where food drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A cerificate in Form No. 12 to the effect that the person is free from communicable diseases shall be obtained and produced before the Inspector on demand.
- 26. Period for supplying information required by Inspector.—Any information or document required by the Inspector in his office for carrying out the purposes of the Act and these rules shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer.
- 27. Authority competent to prosecute.—A prosecution under this Act shall be instituted on a complaint in writing before a court of competent jurisdiction by the Chief Inspector appointed under this Act or by an Inspector in whose jurisdiction the offence is committed, with the prior approval of the Chief Inspector.

FORM No. 1 (See Rule 3 and 6)

Statement under section 13 of Himachal Pradesh Shops and Commercial Establishments Act, 1969 for registration renewal of establishments for the year.....

PART I

- (4) Full postal address of the establishment.....
- (5) Category of the establishment, i.e. whether a shop commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
- (6) Nature of business.

2.

- (7) Residential address of the employer.
- (8) Names of the partners and residential address (if a partnership concern).
- (9) Date of commencement of business.

PART II

(10) Names of members of employers' family engaged in the establishment.

Total.....

Relationship	Adults	Young persor		
Males: 1. 2.				
Females:		,		

772	श्रसाधारण	राजपत्र,	हिमाचल	प्रदेश,	2	सितम्वर,	1972/11	भाद्रपद,	1894
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Maximum No. of employees for which cer-		members yers' fami		for regis-	Renewed	
tificate granted	Male	Female	_		No. of	Fees paid
9	10	11	persons 12	13	employees 14	-15

Renewed for year		year						Damarks
No. of Fe	es paid	No. of	Fees 1	paid	No. of	Fees		Remarks
employees 16	17	18	1	9	employees 20		21	22

1646

FORM No. 3 (See Rule 4)

Himachal Pradesh Shops and Commercial Establishments Act, 1969 "Registration Certificate of establishment"

- 1. Name of the establishment.
- 2. Name of the employer.
- 3. Postal address of the establishment.
- 4. Registration No.
- 5. Number of employees.
- 6. Nature of business.

Inspector, Shops and Commercial Establishments.

1

^{*}Here insert the category of the establishment.

	RENEWALS	
Date of renewal	For the year	Signature of the Inspector of Shops and Commercial Establishment with Seal
1	2	3
1.		
2. 3.		
4.		
5. 6.		
7.		
	FORM No.	4)
	(See Rule 5)
Form of change in re	of section 13 of th	e Himachal Pradesh Shons
by sub-section (4) and Comm	of section 13 of the sercial Establishmen	ne Himachal Pradesh Shops nts Act, 1969
by sub-section (4) and Comm To The Inspector of	of section 13 of the sercial Establishmen	nts Act, 1969 ercial Establishments
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that	Shops and Comments the following characters (date taken)	recial Establishments nge(s) has/have with effect fro place in respect of the inform
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estba	Shops and Comments the following characteristics taken alishment as suppliance	ercial Establishments nge(s) has/have with effect fro place in respect of the inform ed by me in my statement date
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estba	Shops and Commente of following characters alishment as supplicate number is	nts Act, 1969 ercial Establishments
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estba My registration certifilated	Shops and Comments the following characteristics taken alishment as supplicate number is	ercial Establishments nge(s) has/have with effect fro place in respect of the inform ed by me in my statement date
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estba My registration certifilated	shops and Commente of following characters of the followin	ercial Establishments nge(s) has/have with effect fro place in respect of the inform ed by me in my statement date
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estba My registration certificated (Here mentio	Shops and Comments the following characters: (date taken alishment as supplicated number is and the change)	ercial Establishments nge(s) has/have with effect fro place in respect of the inform ed by me in my statement date
by sub-section (4) and Comm To The Inspector of Circle I hereby notify that ion relating to my estbate My registration certificated (Here mentio	Shops and Comments the following characters: (date taken alishment as supplicated number is and the change)	ercial Establishments nge(s) has/have with effect fro place in respect of the inform ed by me in my statement date

- Note.—(1) The change is required under sub-section (4) of section 13 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 to be notified by the employer within seven days after the change has taken place.
 - (2) Notice of change in this form shall be sent together with fees as per sub-rule (2) of rule 5.

FORM No. 5 [See Rule 10(4)]

Himachal Pradesh Shops and Commercial Establishments Rules, 1972 MONTHLY CASH REPORT

Circle.

Fees collected during the month ending....

Tunic of Inspector.

Date	Name and address of the emplo-	Nature of Business	Maximum No. of employees	Details of fees	Rs. Charged
1	yer 2	3	4	5	. 6

					<u> </u>						
	Mode of Deposit										
In case of direct deposit in the treasury by the emplosed postal order yer						Domonto					
Name of treasury/ sub- treasury	Date of deposit	Treasury receipt No.	No. and date if Postal order	Name of post Offi- ce from where issued		Remarks					
7	8	. 9	10	11	12	13					

Signature of Inspector. Seal.

Note.—This form shall be bound in the shape of register in duplicate.

Original shall be sent to the Chief Inspector and duplicate retained by the Inspector.

FORM No. 6

(See Rule 12)

Intimation under section 10(2)(i) of the Himachal Pradesh Shops and Commercial Establishments Act, 1969

Registration	No.																
--------------	-----	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

To

The Inspector of Shops and Commercial Establishments, Circle....

I hereby furnish the following information which is correct to the best of my knowledge.

The working hours and the period of interval of the persons employed in my establishment are fixed below and shall take effect from (date)......

Name of the employee and father's name	Working	hours	Interval	for	rest
rather's name	From 2	To 3	From 4		To 5

Young persons:

- 1.
- 2.
- 3.
- 4.

Other persons:

- 1.
- 2,
- 3.
- 4. 5.
- 6.
- 7.

Sd/-Name and parentage of employer with full address.

Dated.......

FORM No. 7

Notice to be exhibited under section 20(1) of the Himachal Pradesh Shops and Commercial Establishments Act, 1969

(See Rule 13 of the Himachal Pradesh Shops and Commercial Establishments, Rules, 1972)

Lotte	1101111101110	,,				
 Close-day, if any. Opening hour of the e Closing hour of the e Name and parentage o Full postal address of Name of the establis Nature of Business. Names of the employee establishment. 	establishing of the empth the establishment.	ent oloyer ishment.		Year.		
				lults	Young	
		sh	ip 🔪		persons	
(1) Males:						
Total	• •					
9. Name of the emplo- yees and father's	Workin	g hours	Interval for	or rest	Weekly off day	
name	From	То	From	То	on day	
(1) Young persons: (i) (ii) (iii) (iv) (2) Other persons: (i) (ii) (iii) (iv) (v) (vi) (vii)						
Pagistration No.						

Registration No. Date of declaration.

Signature of employer (Name and full address).

Note.—"Family" in relation to employer means:—

(i) spouse;

(ii) Children and step-children; and

(iii) parents, sisters and brothers if residing with and wholly dependent upon him.

FORM No. 8

(Register of employees)

(See Rule 14)

Rule 14 of Himachal Pradesh Shops and Commercial Establishments Rules, 1972

Name of establishment.	Year and month
Name of employee	Father's/Husband's name
Age	Nature of work
Whether employed on	daily monthly, contract piece rate-wage with
rate	Date of appointment.

Sp	read over		Total	Intervals for meals		nd T	otal work- ing hours
Date	From	То	Totai		To	- Total	ing nouts
1	2	3	4	From 5	6	7	8

		Remu- Leave neration				Signa- ture			
From	To	Total	due	Dura- tion	Date of applica-	Date of gra- nt	marks	of em- ploy-	loyees
9	10	11	12	13	tion 14	15	16	er 17	18

1.

2.

3.

4.

5.

6.

7.

8.

٥,

9. 10.

11

11.

12.

13.

778	ग्रसाध।रण	राजपत्र,	हिमाचल	प्रदेश,	2	सितम्बर,	197	2/11	भाद्रपद,	1894
14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30.										
1. 2. <i>Not</i>	Total hou Leave ava e.—If any worke	ailed du employ	ring the ee has v	mont vorked	h I w		viou	· · · · · s emp	loyer, t	
			F ister of	ORM I	No.	9 of Emplo				
Rule 14 of Himachal Pradesh Shops and Commercial Establishments Rules, 1972										
	of emplos fixed						••••	• • • • •	.Year.	
Arr	ears from	last mo	onth	W	age	es due			egister in No. 1	
	·				<u>-</u>					
Waş	ges earned	d durin								
			2	Total.						• • • • • •

Total balance carried over.

Remarks.

..... Stamps.

FORM No. 10 Register of Deduction (See Rule 14) Rule 14 of the Himachal Pradesh Shops and Commercial Establishments

Rules, 1972

Name of establishment......Year.....Acts

and Omissions approved by the authorities.

SI. No.	Name of employee	Paren- tage	Wage period		Amount deduct- ed	Fault for which deduc- tion made	Date of deduc- tion
1	2	3	4	5	6	7	8

Whether employee showed	Amount of deduction and			Signature of emplo- yee	Signature of emplo- yer	Remarks
cause	purpose		yer	•	•	
against	for					
deduction	which					
	utilized					
9	10	11	12	13	14	15

FORM NO. 11

		Regis	FORM No. (See Rule 1 ster of Leave v	4)		
Leave	e due	Date of application	No. of days applied for	Leave avail	- Balance	Ŕemarks
1		2	3	4	5	6
					. d*.	ŧ
			Form No.	12		- Marrie
Sec	e Rule 2	5(2) of Himacl	nal Pradesh Sh Rules, 19	ops and Com 72	mercial Est	ablishments
residen has bee	t of en thore micable	oughly examir diseases and s served to cu	ned by me and is fit for be stomers. His mark	. District	red to be fred, where tion	ee from any food, drink
Dat	ed			ture and the compete	designatio ent medical	
			SCHEDUL			
Sl. No.		Category of	(See Rule 3 a establishment	nd 6)	Fee for re	gistration/ enewal
1. 2. 3.	Estab	lishments emp lishments emp lishments emp	loying upto to	vo persons	Rs. 2 Rs. 3	
4.	but Estab	less than five lishments em	persons		Rs. 5.0 Rs. 10	
5.	Establ	persons ishments emp sons	loying more	than ten	Rs. 1:	
			SCHEDULI (See Rule			
Sl. No.			ame of place			ekly close day
I II	Munic	n limits of Simi ipal Areas:	ıla Municipal	Corporation		unday. unday.
		alagarh Iandi				unday. unday.

	·	
Sl. No.	Name of place	Weekly close
3.	Sundernagar	day
4.	Rampur	Sunday.
5.	Solan	Sunday.
6.		Sunday.
7.		Sunday.
8.		Sunday.
9.	Kulu (Sultanpur)	Sunday.
10.		Sunday.
10.		Sunday.
	Kangra	Sunday.
	Una	Sunday.
13.		Sunday.
14.	Chamba	Sunday.
III C	antonement/Municipal Areas:	
15.	Dalhousie	Monday.
16.	Kasauli	Monday.
17.	Dagshai	Monday.
18.		Monday.
19.		Monday.
20.		Monday.
	Khas Yol	Monday.
	Nahan	Monday.
	Dharamsala	Monday.
24.	Palampur	Monday.
2-1.	Lucinpui	Monday.
	ther areas notified by Government under	
	ction 1 (4) of the Act	Sunday.
V O	ther such areas in which Municipa lCommittee	Sunday.
v 0		
is	established by the Government after the	Cundo
pr	omulgation of these rules	Sunday.

By order, P. K. MATTOO, Secretary.

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-2, the 30th August, 1972

No. 5-4/70 E&T (Sectt).—In continuation of the Himachal Pradesh Government, Excise and Taxation Department notifications of even number, dated the 27th September, 1971 and 29th March,1972, and in exercise of powers conferred by proviso (a) to sub-section (1) of section 7 of the Himachal Pradesh Urban Immovable Property Tax Act, 1968, the Governor of Himachal Pradesh is pleased to order that the period of current valuation list in respect of Palampur and Simla Rating Areas shall be extended further by six months so that the new valuation list in respect of the said Resting Areas comes into force on 1st April, 1973 instead of 1st October, 1972.

P. K. MATTOO, Secretary.

